

EXPRESS SCRIPTS, INC.,

Plaintiff,

V.

AEGON DIRECT MARKETING
SERVICES, INC.,

Defendant.

No. 4:06-CV-1410 CAS

It would appear the Court has already ordered the parties to provide the discovery each side now seeks in their respective motions. The Court has no intention of re-visiting motions to compel it has already ruled on. Therefore, the motions will be denied. If indeed either ESI or Aegon has failed to comply with the December 8, 2008 Order, the proper motion would not be a motion to compel, but a Rule 37(b) motion for sanctions for failure to comply with a Court order. See Fed. R. Civ. P. 37(b). The Court notes that any such motion should detail the manner in which the opposing

party has failed to comply with the relevant discovery order, as well as provide the sanction(s) the party seeks, and the legal authority and factual support for any such sanction(s).

Accordingly,

IT IS HEREBY ORDERED that defendant Aegon Direct Marketing Services, Inc.'s Motion to Compel Compliance with the Court's December 9, 2008 Order is **DENIED**.

[Doc. 158]

IT IS FURTHER ORDERED that plaintiff Express Scripts, Inc.'s Motion to Compel Compliance with the Court's December 9, 2008 Order is **DENIED**. [Doc. 165].

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of March, 2009.